



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
TENNESSEE REAL ESTATE COMMISSION
TENNESSEE REAL ESTATE COMMISSION MINUTES

January 6th, 2015

The Tennessee Real Estate Commission convened on Wednesday, January 6th, 2016 at 9:00 a.m. in Meeting Room 1A of the Davy Crockett Building, 500 James Robertson Parkway, Nashville, 37243. The following Commission Members were present: Chairman John Griess, Vice-Chairman Janet DiChiara, Commissioner Diane Hills, Commissioner Austin McMullen, Commissioner Fontaine Taylor, and Commissioner Johnny Horne; absent from the meeting were Commissioner Franks, Commissioner Bobby Wood, Commissioner Blume, and Education Director E. Ross White. Others present: Assistant General Counsel Mallorie Kerby, Paralegal Jennaca Harris and Administrative Secretary Kimberly Smith.

Commissioner Taylor made a motion to amend the agenda removing Teams as a discussion item and moving it to the February agenda. Commissioner Hills made a motion to adopt the agenda as amended; motion seconded by Commissioner McMullen; motion passes unanimously.

Commissioner DiChiara made a motion to approve the December minutes; Commissioner McMullen seconded the motion; motion passes unanimously.

Petition for Reconsideration:

Commissioner McMullen made a motion to deny petition for reconsideration for David M. Dixon; Commissioner Hills seconded motion; motion passes unanimously.

INFORMAL APPLICANT APPEARANCE

Commissioner McMullen made a motion to deny Patricia Reid-Butler to continue with the licensure process; motion seconded by Commissioner Hills; motion passes 5 yes and 1 no.

Commissioner McMullen made a motion to approve JAY BEELER to move forward with the licensure process; motion second by Commissioner Hills; motion passes 5 yes to 1 recusal Chairman Griess.

Commissioner Taylor made a motion to approve JEREMY MILLER to move forward in the licensure process; motion seconded by Commissioner Hills; motion passes unanimously.

Commissioner DiChiara made a motion to approve DEPAUL OWENS to move forward in the licensure process; motion seconded by Commissioner Hills; motion passes unanimously.

Commissioner DiChiara made a motion to approve 50 Mile waiver request for applicant Derc Albrecht; motion seconded by Commissioner McMullen; Commissioner McMullen amends motions up to 75 miles waiver request; motion seconded by Commissioner Hills; motion passes unanimously.

Commissioner DiChiara made a motion to approve WHITNEY NEWTON to move forward in the licensure process; motion seconded by Commissioner Hills; motion passes unanimously.

Commissioner DiChiara made a motion to approve DEPAUL OWENS to move forward in the licensure process; motion seconded by Commissioner Horne; motion passes unanimously.

EDUCATION REPORT

The Education Director Mr. White was absent and the report was presented via I-pads for educational courses J1 – J22 set forth on the January, 2016 Education Report for Commission Approval.

Commissioner McMullen made a motion to approve J1 – J22 courses; motion seconded by Commissioner Hills; Commissioner DiChiara recuses from 15, 16, and 17; motion passes.

Instructors Approvals

Commissioner DiChiara made a motion to approve all instructors approval J1 – J22; motion seconded by Commissioner Hills; Commissioner DiChiara recuses from 15, 16, and 17; motion passes.

DISCUSSION: HEALTH ISSUES

Commissioner DiChiara made a motion if it is a medical waiver the administration staff can review it and make a decision, if denied they can appeal to the Commission; motion seconded by Commissioner McMullen; motion unanimously passes.

EXECUTIVE DIRECTOR'S REPORT REPORTED BY MALLORIE KERBY

Ms. Kerby presented the following information to the Commission for review via the I-Pads:

CONSENT ORDER TRACKING

Ms. Kerby asked if the Commissioners had any questions about the consent order log. The Commissioners did not have any questions.

BUDGET

Ms. Kerby had previously sent a copy of the budget to the Commissioners for their review. The Commissioners did not have any questions.

Exams Taken in Month of December Reported in January Meeting

In the month of December 2015, 565 exams were taken through PSI. In December 2014, 397 exams were taken. The year to date total of exams taken in 2015 is 7,086. The total of exams taken in 2014 was 5,310.

EXAMS TAKEN BY LICENSE TYPE

License Type of License	12/1/2015-12/31/2015	12/1/2014-12/31/2014	Diff. 12/1/2014-12/31/2015
Affiliate Broker	482	376	+106
Broker	57	34	+23
Timeshare	20	14	+6
TOTAL	565	383	+182

Monies Collected 12/1/15 – 12/30/15

In the month of December \$450.00 was collected for Consent Orders, \$8,610.00 was collected for Reinstatements Fees for a total of \$9060.00 collected in December 2015

FINGERPRINTS

The fingerprint report loaded on I-pads are update on the fingerprint reports required as of 1/1/2014 pursuant to TCA 62-13-303(l); since 1-1-2015 there have been 4,302 individuals fingerprinted, 780 had an indication, and 3,436 had no indication. In the month of December 2015 there were 62 indications, 230 no indication, 0 pending, 5 reject Total 297

LEGAL REPORT

1. 2015020141
Opened: 8/19/15
First License Obtained: 6/4/87
License Expiration: 8/26/17
E&O Expiration: 1/1/17
Type of License: Affiliate Broker
History: no prior disciplinary action

2. 2015020151
Opened: 8/19/15
First License Obtained: 12/16/83
License Expiration: 10/28/16
E&O Expiration: 1/1/17
Type of License: Principal Broker
History: no prior disciplinary history

3. 2015020161
Opened: 8/19/15
First License Obtained: 10/4/07
License Expiration: 2/16/16
E&O Expiration: 1/1/17
Type of License: Principal Broker
History: no prior disciplinary action

4. 2015020171
Opened: 8/19/15
First License Obtained: 2/24/86
License Expiration: 8/18/16
E&O Expiration: 1/1/17
Type of License: Broker
History: no prior disciplinary action
(Cases 1-4)

New Recommendation: Discuss.

DECISION: The Commission voted to uphold their original decision with respect to Respondents 1 and 2.

Commissioner Taylor made a motion to uphold their original decision with respect to Respondents 1 and 2; motion seconded by Commissioner McMullen; motion passes unanimously.

5. 20150209481
Opened: 10/20/15
First License Obtained: 12/19/97
License Expiration: 2/26/17
E & O Expiration: 1/1/17
Type of License: Principal Broker
History: No History of Disciplinary Action.
Recommendation: Discuss.

DECISION: Chair rules the decision is upheld due to lack of motion.

6. 2015017621
Opened: 7/22/15
First License Obtained: 6/8/90
License Expiration: 12/8/16
E&O Expiration: 1/1/17
Type of License: Principal Broker
History: 2015017661

7. 2015017661
Opened: 7/22/15
First License Obtained: 6/8/90
License Expiration: 12/8/16
E&O Expiration: 1/1/17
Type of License: Principal Broker
History: 2015017621
Recommendation: Consent order for \$500 for violation of T.C.A § 62-13-309(a)(1)(A)(each office shall have a real estate firm license...), \$1000 for violation of Rule 1260-02-.09(1)(each broker shall maintain a separate escrow account for the purpose of holding any funds which may be received in his fiduciary capacity as deposits, earnest money or the like).

(Cases 6-7)

DECISION: The Commission voted to accept the recommendation of legal counsel. **Commissioner McMullen made a motion to accept legal counsel recommendation of a Consent order for \$500 for violation of T.C.A § 62-13-309(a)(1)(A)(each office shall have a real estate firm license...), \$1000 for violation of Rule 1260-02-.09(1)(each broker shall maintain a separate escrow account for the purpose of holding any funds which may be received in his fiduciary capacity as deposits, earnest money or the like); motion seconded by Commissioner Taylor; motion passes unanimously.**

8. 20150210421

Opened: 10/20/15

First License Obtained: 4/24/14

License Expiration: 4/23/16

E&O Expiration: 2/1/16

Type of License: Affiliate Broker

History: No history of disciplinary action.

*Respondent's license has been voluntarily surrendered as of 10/13/15

Recommendation: Close and flag Respondent's file stating that the complaint is to be re-opened should Respondent wish to renew/obtain a new license.

DECISION: The Commission voted to accept the recommendation of legal counsel.

Commissioner McMullen made a motion to accept legal counsel recommendation to close and flag Respondent's file stating that the complaint is to be re-opened should Respondent wish to renew/obtain a new license; motion seconded by Commissioner DiChiara; motion passes unanimously.

9. 20150211041

Opened: 10/20/15

First License Obtained: 10/2/01

License Expiration: 10/23/16

E&O Expiration: 1/1/17

Type of License: Principal Broker

History: No history of disciplinary action.

Recommendation: Dismiss.

DECISION: The Commission voted to accept the recommendation of legal counsel.

Commissioner Hills made a motion to accept legal counsel recommendation to dismiss; motion seconded by Commissioner McMullen; motion passes unanimously.

10. 20150211081

Opened: 10/21/15

First License Obtained: 3/26/03

License Expiration: 11/1/17

E&O Expiration: 1/1/17

Type of License: Affiliate Broker

History: No history of disciplinary action.

Recommendation: Dismiss.

DECISION: The Commission voted to accept the recommendation of legal counsel.

Commissioner Griess abstained from the vote.

Commissioner Taylor made a motion to accept legal counsel recommendation to dismiss; motion seconded by Commissioner McMullen; Chairman Griess abstained, motion passes with 5 yes.

11. 20150211101

Opened: 11/10/15

First License Obtained: 8/12/68

License Expiration: 7/7/16

E&O Expiration: 1/1/17

Type of License: Principal Broker

History: 2006001421 – Close with Letter of Warning; 200705002 - \$100 Agreed Citation (Advertising Violation); 201202012 – \$250 Agreed Citation (Failure to Supervise).

Recommendation: Dismiss.

DECISION: The Commission voted to accept the recommendation of legal counsel.

Commissioner DiChiara made a motion to accept legal counsel recommendation to dismiss; motion seconded by Commissioner Hills; motion passes unanimously.

12. 20150211121

Opened: 10/28/15

First License Obtained: 12/11/06

License Expiration: 12/10/16

E&O Expiration: 1/1/17

Type of License: Affiliate Broker

History: No history of disciplinary action.

Recommendation: Dismiss.

DECISION: The Commission voted to accept the recommendation of legal counsel.

Commissioner DiChiara made a motion to accept legal counsel recommendation to dismiss; motion seconded by Commissioner Hills; motion passes unanimously.

13. 20150211141

Opened: 11/10/15

First License Obtained: 7/22/85

License Expiration: 12/4/16

E&O Expiration: 1/1/17

Type of License: Principal Broker

History: 2007049971 – Closed with Letter of Instruction (Earnest Money).

Recommendation: Consent Order in the amount of \$3,000 for violations of T.C.A. § 62-13-312(b)(4) (misleading or untruthful advertising), (14), (20)(improper, fraudulent or dishonest dealing) and Rule 1260-02-.12 (advertising).

DECISION: The Commission voted to accept the recommendation of legal counsel.

Commissioner DiChiara made a motion to accept legal counsel recommendation of a Consent Order in the amount of \$3,000 for violations of T.C.A. § 62-13-312(b)(4) (misleading or untruthful advertising), (14), (20)(improper, fraudulent or dishonest

dealing) and Rule 1260-02-.12 (advertising); motion seconded by Commissioner Horne; motion passes unanimously.

14. 20150211801

Opened: 11/10/15

First License Obtained: 11/23/04

License Expiration: 12/6/15*

E&O Expiration: 1/1/17

Type of License: Broker

History: No history of disciplinary action.

Recommendation: Dismiss.

DECISION: The Commission voted to accept the recommendation of legal counsel.

Commissioner DiChiara made a motion to accept legal counsel recommendation to dismiss; motion seconded by Commissioner Taylor; motion passes unanimously.

15. 20150211821

Opened: 11/10/15

First License Obtained: 8/12/04

License Expiration: 3/24/16

E&O Expiration: 1/1/17

Type of License: Principal Broker

History: No history of disciplinary action.

Recommendation: Dismiss

DECISION: The Commission voted to accept the recommendation of legal counsel.

Commissioner Hills made a motion to accept legal counsel recommendation to dismiss; motion seconded by Commissioner McMullen; motion passes unanimously.

16. 20150211841

Opened: 11/12/15

First License Obtained: 2/5/09

License Expiration: 2/4/17

E&O Expiration: 1/1/17

Type of License: Affiliate Broker

History: No history of disciplinary action.

Recommendation: Dismiss.

DECISION: The Commission voted to accept the recommendation of legal counsel.

Commissioner DiChiara made a motion to accept legal counsel recommendation to dismiss; motion seconded by Commissioner Taylor; motion passes unanimously.

17. 20150212711

Opened: 11/12/15

First License Obtained: 5/16/05

License Expiration: 3/17/17

E&O Expiration: 1/1/17

Type of License: Principal Broker

History: No history of disciplinary action.

Recommendation: Dismiss.

DECISION: The Commission voted to accept the recommendation of legal counsel.

Commissioner DiChiara made a motion to accept legal counsel recommendation to dismiss; motion seconded by Commissioner Taylor; motion passes unanimously.

18. 20150213021

Opened: 11/13/15

First License Obtained: 4/27/00

License Expiration: 11/27/16

E&O Expiration: 1/1/17

Type of License: Principal Broker

History: 200102764 – Closed with Letter of Warning

Recommendation: Dismiss complaint against Respondent, and automatic revocation of Complainant's license pursuant to T.C.A. § 62-13-312(f), "Whenever a licensee pleads guilty or is convicted of any offense enumerated in this chapter, the licensee must within sixty (60) days notify the commission of that conviction and provide the commission with certified copies of the conviction. The licensee's license shall be automatically revoked sixty (60) days after the licensee's conviction unless the licensee makes a written request to the commission for a hearing during that sixty-day period..."

DECISION: First, the Commission voted to REVOKE the Affiliate Broker's license as recommended by legal counsel. Second, the Commission voted to dismiss the complaint against Respondent as recommended by legal counsel.

Commissioner DiChiara made a motion to accept legal counsel recommendation to REVOKE the Affiliate Broker's license and to dismiss the complaint against Respondent; motion seconded by Commissioner McMullen; motion passes unanimously.

**Chairman Griess Adjourns Meeting on Wednesday,
January 6th 2016 at 2:13pm**